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261447Z Jul 05

C O N F I D E N T I A L CARACAS 002242

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E.O. 12958: DECL: 07/13/2015

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SUBJECT: VENEZUELAN OPPOSITION GROUPS CHALLENGE CNE'S  
LEGITIMACY

Classified By: Political Counselor Abelardo A. Arias  
for reason 1.4 (d).

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SUMMARY  
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1. (U) Venezuela's National Electoral Council (CNE) drew criticism after a national voting simulation on July 10 failed to mobilize a significant portion of the electorate. Opposition groups continued campaigns to expose the CNE's deficiencies and to question its legitimacy. They argue that automation of the election process will hinder a free and democratic election while increasing the potential for fraud. The NGO Sumate cites mistrust of the electoral registry, illegal use of power and fraud as three factors jeopardizing the legitimacy and performance of the electoral counsel. CNE President Jorge Rodriguez called the process, despite the low voter turnout, efficient and predicted that at least 70 percent of the electorate will vote during the August 7 municipal election. Rodriguez said that abstention is unconstitutional and warned opposition leaders that he would push for criminal charges against any organization or individual advocating an electoral strike. End Summary.

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SIMULATION PLAGUED BY LOW VOTER PARTICIPATION  
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2. (U) In advance of the August 7 municipal elections, the CNE held a national voting simulation exercise on July 10. The exercise, however, failed to mobilize a significant portion of the country's electorate. Data collected nationally from 28 polling centers revealed dismal levels of voter interest, with only 5,000 of 14.5 million eligible voters participating in the exercise. Voters in the states of Zulia, Vargas and Miranda demonstrated the lowest level of interest with the majority of polling centers in these states reporting minimal or no voter participation. CNE President Jorge Rodriguez said the process operated efficiently, despite low voter turnout and predicted at least 70 percent of the country's electorate will vote during the August 7 municipal election.

3. (U) Of the 6,561 polling machines installed nationally, Rodriguez boasted that only 12 (roughly .18%) experienced mechanical failure. He explained that on-site technicians facilitated the removal and replacement of malfunctioning polling equipment within 10 minutes and estimated that the overall process operated at an efficiency level of 95 percent. Voters in several polling centers, however, complained that a three minute preset time limit programmed into polling equipment inhibited their ability to make informed decisions. Rodriguez countered saying that the machines could have been reset to accommodate voters who requested additional time.

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SUMATE LEADS THE INQUIRY INTO CNE'S LEGITIMACY  
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4. (U) Opposition groups like Sumate, Alianza Bravo Pueblo (ABP), Verdad Venezuela and Un Solo Pueblo continued campaigns to expose the CNE's deficiencies and question its legitimacy. Leaders of these organizations argue automation of the election process will hinder a democratic election and increase the potential for fraud. On July 14, Sumate released a report declaring that the upcoming election will not be free and fair because the CNE is plagued by inconsistencies in the electoral registry and lacks coherent procedures for conducting audits, disseminating information to the public and operating independently. The national secretary of Alianza Bravo Pueblo (ABP) Luis Lopez said the

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electoral registry of the CNE is "contaminated by thousands of people who have been incorporated irregularly." Rodriguez threatened to seek criminal charges against any individuals or groups advocating abstention.

5. (U) By law, polling centers are required to use physical

elector notebooks to record the name, signature and thumbprint of electors. Although Venezuelan electoral regulations called for an automation of the electoral process, Sumate charges that the CNE's use of electronic elector notebooks violates national voting laws and compromises the secrecy of the vote. In its report, the

group claims that automation introduces the risks of real-time knowledge of who has voted, the possibility of real-time alteration of the elector database at polling stations and the elimination of physical evidence to determine the level of voter participation.

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CNE DEEMED AN ILLEGAL ENTITY  
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16. (U) The CNE, by law, is obligated to inform the public of any decisions affecting suffrage within 5 days of being adopted. Sumate contends that the CNE has published decisions, notably the creation of new electoral districts, with up to two months delay. Although the CNE has, allegedly, distributed information regarding new electoral districts to President Hugo Chavez's Movimiento Quinta Republica (MVR) it has failed to release the information publicly. In Venezuela, the legal period for impugning a decision begins immediately after changes are adopted. Therefore, Sumate argues, any delay in disseminating information to the public adversely affects the electorate's ability to actively participate in the election process.

17. (U) Opposition groups argue that the CNE operates like an institution of government. They contend that the CNE accepted a proposal to establish the new political party Unidad de Vencedores Electorales (UVE) to benefit the MVR during the upcoming election. Through a process known as "Las Morochas" or "twinning", opposition groups allege UVE will serve as a "twin party" for the MVR and aide in its acquisition of additional representation in the National Assembly.

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COMMENT  
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18. (C) In the weeks leading up to the August 7 municipal elections, the opposition will continue to criticize the CNE to discredit its legitimacy. Abstention is the key watchword for August 7. Most observers note correctly that turnout for this level of election traditionally has been abysmally low. For Chavez and his supporters a good turnout is important as a demonstration that the Bolivarian revolution has roots. For his opponents, not participating can help focus their message on the public's lack of faith in the CNE. Neither is likely to come away solidly with what it wants.  
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